# SENATE JOURNAL SEVENTIETH LEGISLATIVE DAY

Helena, Montana Senate Chambers March 29, 1999 State Capitol

Senate convened at 10:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Franklin, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the sixty-ninth legislative day, find the same to be correct.

Senator Thomas introduced the Senate pages for the week of March 29 - April 1, 1999.

## REPORTS OF STANDING COMMITTEES

### **BILLS AND JOURNAL** (Miller, Chairman):

3/29/1999

Correctly printed: SB 424, SB 530, SJR 18, SJR 19, HB 458, HB 617.

Correctly printed: HB 8, HB 57, HB 59, HB 185, HB 255, HB 321, HB 339, HB 361, HB 437, HB 455, HB 459, HB 566, HB 590, HJR 32.

Correctly engrossed: SB 370, HB 2, HB 54, HB 74, HB 109, HB 183, HB 269, HB 482, HB 560, HB 596.

Correctly enrolled: SB 63, SB 71, SB 124, SB 207, SB 210, SB 239, SB 439, SJR 5.

Examined by the sponsor and found to be correct: SB 57, SB 63, SB 71, SB 124, SB 207, SB 210, SB 239, SB 439, SJR 5, SR 4.

Delivered to the Governor for his approval at 9:00 a.m., March 29, 1999: SB 15, SB 40, SB 64, SB 70, SB 100, SB 235, SB 240, SB 288, SB 348, SB 364, SB 369, SB 374, SB 386, SB 415, SB 438, SB 457, SB 466.

# MESSAGES FROM THE GOVERNOR

March 26, 1999

The Honorable Bruce Crippen President of the Senate State Capitol Helena, Montana 59620

Dear Senator Crippen:

Please be informed that I have signed Senate Bill 72 sponsored by Senator B. Keenan, Senate Bill 176 sponsored by Senator Bohlinger et al., Senate Bill 214 sponsored by Senator Bartlett, and Senate Bill 222 sponsored by Senator Doherty et al. on March 26, 1999.

Sincerely,

MARC RACICOT Governor

### MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/27/1999

- SB 13, introduced by W. McNutt
- SB 276, introduced by D. Berry
- SB 371, introduced by K. Mesaros
- SB 404, introduced by W. McNutt
- SB 419, introduced by D. Shea
- SB 452, introduced by T. Beck
- SB 478, introduced by C. Christiaens
- SB 488, introduced by S. Bartlett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/27/1999

- SB 107, introduced by D. Mahlum
- SB 122, introduced by T. Beck
- SB 137, introduced by E. Franklin
- SB 154, introduced by Mohl
- SB 356, introduced by A. Mohl
- SB 367, introduced by F. Thomas
- SB 416, introduced by L. Grosfield

SB 200 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following free conference committee to meet with a like committee from the Senate to confer on SB 200:

3/27/1999

Representative Mood, Chairman

Representative G. Beck

Representative Story

SB 169 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 169:

3/27/1999

Representative R. Johnson, Chairman

Representative Brown

Representative Ewer

House bill passed and transmitted to the Senate for concurrence:

3/27/1999

HB 253, introduced by Jore

House joint resolution passed and transmitted to the Senate for concurrence:

3/29/1999

HJR 34, introduced by C. Tuss

## MOTIONS

**Majority Leader Harp** moved that consideration of HB 71 be placed before SB 460 on the second reading board this legislative day for purpose of amendments and debate. Motion carried.

HB 321 - Majority Leader Harp moved that HB 321 be taken from the third reading board this legislative day and

placed on the second reading board for purpose of amendment regarding coordinating language. Motion carried.

**Majority Leader Harp** moved that the Senate stand in recess until the hour of 10:45 a.m. for party caucuses. Motion carried.

Senate recessed at 10:15 a.m.

Senate reconvened at 10:52 a.m.

Roll Call. All members present except Senator Franklin, excused. Quorum present.

## **STATE ADMINISTRATION** (Cole, Chairman):

3/29/1999

HB 490, be amended as follows:

1. Title, line 8. Strike: "SUNDAY" Insert: "MONDAY"

2. Title, lines 10 through line 12.

Strike: "CHANGING" on line 10 through "ELECTION;" on line 12

3. Title, line 14. **Strike:** "13-1-104," **Following:** "13-10-405,"

Insert: "AND"

4. Title, lines 14 and 15.

**Strike:** "20-3-304" on line 14 through "20-20-401," on line 15

5. Title, page 1, line 15.

Strike: "; AND PROVIDING EFFECTIVE DATES"

6. Page 1, line 29. Strike: "Sunday" Insert: "Monday"

7. Page 2, line 4. Strike: "Sunday" Insert: "Monday"

8. Page 2, lines 6 through 8.

Strike: "; and" on line 6 through "possible" on line 8

9. Page 2, line 12 through page 3, line 3.

Strike: section 1 in its entirety Renumber: subsequent sections

10. Page 3, lines 10 through 13.

**Strike:** "The election" on line 10 through "election." on line 13

11. Page 3, lines 15 through 21. **Strike:** section 3 in its entirety **Renumber:** subsequent sections

12. Page 5, line 24. Strike: "Sunday" Insert: "Monday"

13. Page 6, line 25 through page 8, line 2. **Strike:** sections 11 through 14 in their entirety

Renumber: subsequent sections

14. Page 8, line 4.

Following: "Appropriation"

Insert: "-- reversion of unspent appropriation"

Following: third "." Insert: "(1)"

**Strike:** "\$188,000" **Insert:** "\$527,584"

15. Page 8.

Following: line 6

**Insert:** "(2) Money appropriated by this section for the purposes of [this act] that is not spent by July 1, 2001, reverts to the general fund."

16. Page 8, line 8.

**Strike:** "(1)"

Following: "[Section"

Strike: "2" Insert: "1"

17. Page 8, line 10.

Following: "[section"

Strike: "2" Insert: "1"

18. Page 8, lines 11 through 14.

Strike: subsections (2) and (3) in their entirety

19. Page 8, lines 16 through 28.

**Strike:** section 17 in its entirety

And, as amended, be concurred in. Report adopted.

HJR 18, be amended as follows:

1. Title, line 6.

Strike: "TELEVISING"
Insert: "BROADCASTING"

2. Page 1, lines 10, 20, 26, and 27 and page 2, lines 1 and 6.

Strike: "televising"
Insert: "broadcasting"

3. Page 1, line 16. Strike: "televised" Insert: "broadcast"

4. Page 2, line 4. Strike: "televise" Insert: "broadcast"

5. Page 2, line 8. Strike: "and" Insert: ","

Following: "conclusions"

Insert: ", and recommendations"

6. Page 1, line 9.

Following: "appropriate,"

Insert: "recommend any necessary legislation and "

And, as amended, be concurred in. Report adopted.

Senator Franklin present at this time.

## FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 5, introduced by Cole, Hargrove, Tester, J. Wells, referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 253, introduced by Jore, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 34**, introduced by C. Tuss, R. Bitney, S. Bookout-Reinicke, R. Dale, S. Doherty, B. Eggers, D. Ewer, L. Grosfield, H. Harper, C. Hibbard, D. Mood, K. Ohs, B. Pavlovich, B. Raney, B. Story, C. Trexler, referred to State Administration.

# SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

#### Session No. 1

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keating in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 71 - Senator A. Ellis spoke on HB 71 and the committee then reverted to the body of the bill for amendment.

HB 71 - Senator B. Stang moved HB 71, second reading copy, be amended as follows:

1. Title, line 7. **Strike:** "94" **Insert:** "96"

2. Title, line 10 through line 12.

Strike: "PROVIDING" on line 10 through "YEARS;" on line 12

3. Page 3, line 2.

Strike: "SUBSECTIONS"
Insert: "subsection"
Strike: "AND (3)(A)(III)"

4. Page 3, line 5. **Strike:** "94%" **Insert:** "96%"

5. Page 3, line 11 through line 24. **Strike:** subsection (iii) in its entirety

Amendment failed as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ellingson, Franklin, Halligan, Harp, Hertel, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson. Total 23

Nays: Beck, Berry, Bishop, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 71 - Senator Stang moved HB 71, second reading copy, be amended as follows:

1. Title, line 14.

Following: "PER-ANB;"

Insert: "PROVIDING THAT A VOTE IS REQUIRED FOR ANY INCREASE IN LOCAL PROPERTY TAXES;"

Strike: "SECTION"
Insert: "SECTIONS"

Following: "AND 20-9-353"
Insert: "AND 20-9-353"

2. Page 2, line 18 and line 19.

Strike: ", for" on line 18 through the second "amount" on line 19

3. Page 6.

Following: line 11

**Insert:** "Section 2. Section 20-9-353, MCA, is amended to read:

"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) The trustees of a district may propose to adopt:

(a) a budget amount up to the BASE budget amount for the district general fund that is within the limitations and required budget increases provided in 20-9-308(2);

(b)(a) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(3) 20-9-308(2); or

 $\frac{(e)(b)}{(b)}$  a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in  $\frac{20-9-308(4)}{20-9-308(3)(a)(ii)}$ .

(2) When the trustees of the district propose to adopt an over-BASE budget under subsection (1)(a), any increase in local property taxes authorized by 20-9-308(5) must be submitted to a vote of the qualified electors of the district. The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the additional voted amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended the estimated increase in local property taxes and the estimated impact on the over-BASE mills needed to fund the general fund budget. The ballot must be in the following format:

#### **PROPOSITION**

The district levied (state the total amount of local property taxes levied in support of the district's prior year's over-BASE general fund budget) dollars and (state the total number of mills levied in support of the district's prior year's over-BASE general fund budget) mills to support the previous year's over-BASE general fund budget. If this proposition is approved, the local property taxes to support the district's proposed over-BASE general fund budget will increase by (state the additional local property taxes) dollars. The mills will (increase or decrease as applicable) by (insert the number of mills) mills.

Shall the district be authorized to expend the sum of (state the additional amount to be expended), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing is made) increase the local property taxes by (insert the amount), which will (increase or decrease as applicable) the local mills by (insert the number of mills) mills?

- [] FOR budget authority and any the additional levy.
- [] AGAINST budget authority and any the additional levy.

(3) When the trustees of a district propose to adopt a general fund budget amount in excess of the maximum general fund budget under subsection (1)(b), the trustees shall submit the proposition to finance the additional amount of general fund budget authority to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of the budget to be financed, the approximate number of mills required to fund all or a portion of the budget amount, and the purpose for which the money will be expended. The ballot must be in the following format:

## **PROPOSITION**

Shall the district be authorized to expend the sum of (state the additional amount to be expended) and being approximately (give number) mills for the purpose of (insert the purpose for which the additional financing is made)?

- [] FOR budget authority and any levy.
- [] AGAINST budget authority and levy.
- (3)(4) If the election on any additional financing or budget authority for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141, to raise the amount of the additional levy.
- $\frac{(4)(5)}{(20-9-308(3)(a)(ii)}$  Authorization to levy an additional tax to support a budget amount adopted as allowed by  $\frac{20-9-308(4)}{(20-9-308(3)(a)(ii))}$  is effective for only 1 school fiscal year.
- (5)(6) All levies adopted under this section must be authorized by a special election conducted before August 1 of the school fiscal year for which it is effective.
- (6)(7) If the trustees of a district are required to submit a proposition to finance an increased amount up to the BASE budget amount, as provided in 20-9-308(2)(b), an increased over-BASE budget amount, as provided in 20-9-308(3)(a), or an amount in excess of the maximum general fund budget amount for the district as allowed by 20-9-308(3)(a)(ii) to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4) (6) of this section."

Renumber: subsequent section

Amendment adopted with Senator Glaser voting nay.

- **HB 71** Senator A. Ellis moved HB 71, as amended, be concurred in. Motion carried with Senator Glaser voting nay.
- SB 460 Senator A. Ellis moved SB 460, second reading copy, be amended as follows:
- 1. Page 55, line 22 through line 26.

**Following:** "20-9-353" on line 22

Strike: remainder of line 22 through "purposes" on line 26

2. Page 65, line 5.

Following: "INSTRUCTION."

**Insert:** "(1)"

3. Page 65, line 7.

Insert: "(2) If House Bill No. 71, amending 20-9-353 and [this act] are passed and approved, 20-9-353 must read

as follows:

**Insert:** "Section 9. Section 20-9-353, MCA, is amended to read:

- "20-9-353. Additional financing for general fund -- election for authorization to impose. (1) The trustees of a district may propose to adopt:
- (a) a budget amount up to the BASE budget amount for the district general fund that is within the limitations and required budget increases provided in 20-9-308(2);
- $\frac{\text{(b)(a)}}{\text{(a)}}$  an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in  $\frac{20-9-308(3)}{20-9-308(2)}$ ; or
- $\frac{(e)(b)}{(b)}$  a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in  $\frac{20-9-308(4)}{20-9-308(3)(a)(ii)}$ .
- (2) When the trustees of the district propose to adopt an over-BASE budget under subsection (1)(a), any increase in local property taxes authorized by 20-9-308(5) must be submitted to a vote of the qualified electors of the district. The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the additional voted amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended the estimated increase in local property taxes and the estimated impact on the over-BASE mills needed to fund the general fund budget. The ballot must be in the following format:

### **PROPOSITION**

The district levied (state the total amount of local property taxes levied in support of the district's prior year's over-BASE general fund budget) dollars and (state the total number of mills levied in support of the district's prior year's over-BASE general fund budget) mills to support the previous year's over-BASE general fund budget. If this proposition is approved, the local property taxes to support the district's proposed over-BASE general fund budget will increase by (state the additional local property taxes) dollars. The mills will (increase or decrease as applicable) by (insert the number of mills) mills.

Shall the district be authorized to expend the sum of (state the additional amount to be expended), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing is made) increase the local property taxes by (insert the amount), which will (increase or decrease as applicable) the local mills by (insert the number of mills) mills?

- [] FOR budget authority and any the additional levy.
- [] AGAINST budget authority and any the additional levy.
- (3) When the trustees of a district propose to adopt the general fund budget amount in excess of the maximum general fund budget under subsection (1)(b), the trustees shall submit the proposition to finance the additional amount of general fund budget authority to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of the budget to be financed, the approximate number of mills required to fund all or a portion of the budget amount, and the purpose for which the money will be expended. The ballot must be in the following format:

#### **PROPOSITION**

Shall the district be authorized to expend the sum of (state the additional amount to be expended) and being approximately (give number) mills for the purpose of (insert the purpose for which the additional financing is made)?

[] FOR budget authority and any levy.

[] AGAINST budget authority and any levy.

- (3)(4) If the election on any additional financing or budget authority for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141, to raise the amount of the additional levy.
- $\frac{(4)(5)}{(5)}$  Authorization to levy an additional tax to support a budget amount adopted as allowed by  $\frac{20-9-308(4)}{(20-9-308(3)(a)(ii))}$  is effective for only 1 school fiscal year.
- (5)(6) All levies adopted under this section must be authorized by a special election conducted before August 1 of the school fiscal year for which it is effective.
- (6)(7) If the trustees of a district are required to submit a proposition to finance an increased amount up to the BASE budget amount, as provided in 20-9-308(2)(b), an increased over-BASE budget amount, as provided in 20-9-308(3)(a), or an amount in excess of the maximum general fund budget amount for the district as allowed by  $\frac{20-9-308(3)(a)(a)}{20-9-308(3)(a)(a)}$  to the electors of the district, the trustees shall comply with the provisions of subsections (2) through  $\frac{(4)}{(6)}$  of this section."

Amendment adopted unanimously.

SB 460 - Senator A. Ellis moved SB 460, as amended, do pass. Motion carried unanimously.

SB 184 - Senator L. Grosfield moved SB 184, second reading copy, be amended as follows:

1. Page 163, line 2.

Strike: "property tax levies established for"

Amendment adopted unanimously.

SB 184 - Senator L. Grosfield moved SB 184, as amended, do pass. Motion carried unanimously.

Senator Harp moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Harp moved the Committee of the Whole report be adopted. Report adopted.

## **MOTIONS**

Majority Leader Harp moved that the Senate stand in recess until the hour of 1:30 p.m.

Senate recessed at 12:12 p.m.

Senate reconvened at 1:30 p.m.

Roll Call. All members present except Senator Halligan, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

#### **BILLS AND JOURNAL** (Miller, Chairman):

3/29/1999

Signed by the President at 11:00 a.m., March 29, 1999: SB 57, SB 63, SB 71, SB 124, SB 207, SB 210, SB 239, SB 439, SR 4, SJR 5.

Signed by the Secretary of Senate at 2:00 p.m., March 29, 1999: SB 57, SB 63, SB 71, SB 124, SB 207, SB 210, SB 239, SB 439, SR 4, SJR 5.

Signed by the Speaker at 2:34 p.m., March 29, 1999: SB 57, SB 63, SB 71, SB 124, SB 207, SB 210, SB 239, SB 439, SJR 5.

Senator Halligan present at this time.

# FINANCE AND CLAIMS (Swysgood, Chairman):

3/29/1999

HB 11, be concurred in. Report adopted.

HB 470, be amended as follows:

1. Title, line 9.

Following: "PROVIDERS;"

Insert: "ALLOCATING FUNDS TO THE MONTANA STATE HOSPITAL; REDUCING THE APPROPRIATION TO THE DEPARTMENT IN FISCAL YEAR 1999 BY THE AMOUNT OF THE ALLOCATION;"

2. Page 1, line 29.

**Insert:** "NEW SECTION. Section 2. Allocation of funds. There is allocated to the department of public health and human services \$1 million from the savings generated by [section 1] to be used to support services at the Montana state hospital if there is insufficient funding for those services. If there is adequate funding, then any unspent funds allocated by this section must revert to the general fund."

"NEW SECTION. Section 3. Reduction in appropriation. The \$39,678,774 general fund appropriation to the department of public health and human services child and family services division for fiscal year 1999 in Section C of section 14, Chapter 551, Laws of 1997, at page 3368 of the 1997 Montana Session Laws is reduced to \$38,678,774.

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**HB 536**, be amended as follows:

1. Title, line 13.

Following: line 12

Insert: "ALLOCATING FUNDS FROM TOBACCO SETTLEMENT PROCEEDS TO SUPPORT THE ASSOCIATION'S HEALTH INSURANCE PLANS;"

2. Title, page 16.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 26.

Following: "plan."

**Insert:** "The loaned funds may be used only to pay incurred or estimated claims expenses of the association plan and the association portability plan and the operating and administrative expenses of the association."

4. Page 1, line 29.

Following: "INCOME."

**Insert:** "In accordance with the constitutions of the United States and the state of Montana, the state pledges that it may not in any way impair the obligations of any loan agreement between the association and the board of

investments by repealing the assessment imposed by 33-22-1513(5) or by reducing it below the amount necessary to make annual loan payments."

5. Page 4, line 17.

Following: "appropriated"

Strike: "pursuant to the provisions of [section 5]"

**Insert:** "by the legislature"

6. Page 7, line 20.

**Insert:** "NEW SECTION. Section 6. Allocation of funds. There is allocated \$2 million to the association for the biennium from any judgment, settlement, or fine that is received as a result of a criminal or civil claim against a tobacco company related to the production, marketing, or use of tobacco products. The association may use the funds only if the amount of the annual assessment collected by the association is insufficient to meet incurred or estimated claims expenses of the association plan, the association portability plan, and the operating and administrative expenses of the association."

Renumber: subsequent sections

7. Page 8, lines 10 through 13.

Strike: lines 10 through 13 in their entirety

And, as amended, be concurred in. Report adopted.

HB 649, be concurred in. Report adopted.

#### MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/29/1999

SB 321, introduced by R. Jabs

SB 352, introduced by D. Mahlum

SB 362, introduced by T. Keating

SB 365, introduced by A. Mohl

SB 412, introduced by S. Stang

SB 435, introduced by M. Waterman

SB 468, introduced by V. Cocchiarella

SB 471, introduced by M. Cole

SB 501, introduced by J. Hertel

SB 521, introduced by D. Hargrove

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/29/1999

SB 27, introduced by J. Hertel

SB 82, introduced by S. Doherty

SB 96, introduced by S. Stang

SB 126, introduced by W. Crismore

SB 183, introduced by Nelson

SB 216, introduced by Swysgood

SB 232, introduced by DePratu

SB 326, introduced by J. Tester

SB 409, introduced by J. Ellingson

SB 453, introduced by T. Beck

SB 499, introduced by L. Grosfield

SB 504, introduced by J. Lynch

# SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

#### Session No. 2

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keating in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 530 - Senator Grimes moved HB 530 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.

Total 41

Nays: Bartlett, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Stang, Waterman.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 396 - Senator D. Mahlum moved HB 396, second reading copy, be amended as follows:

(new amendment to reflect amendment #1 - per clerical dated 3/27/1999)

Page 4, line 15.

Following: the second "RIDE,"

Insert: "and"

1. Page 4, line 16.

Following: the first "RIDE" on line 16

Strike: ", AND A HISTORY OF ANY INJURIES ON THE RIDE" on page 4, line 16

Amendment adopted unanimously.

HB 396 - Senator D. Mahlum moved HB 396, as amended, be concurred in. Motion carried unanimously.

HJR 16 - Senator S. Doherty moved HJR 16, second reading copy, be amended as follows:

1. Page 1, line 29 through page 2, line 2.

Following: line 28 on page 1

Strike: line 29 through "; AND" on page 2, line 2

Amendment failed as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Harp, Hertel, Jabs, Jergeson, Lynch, McCarthy, Mohl, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson, Mr. President.

Total 25

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Sprague, Swysgood, Taylor, Thomas, Toews, Wells. Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

## Senator Taylor excused at this time.

HJR 16 - Senator S. Doherty moved HJR 16, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 39

Nays: Bartlett, Devlin, Hargrove, Keating, Keenan, McNutt, Mohl, Swysgood, Toews, Wells.

Total 10

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

#### Senator Devlin assumed the chair.

**HB 74** - Senator T. Keating moved HB 74 be concurred in. Motion carried unanimously.

Senator Keating resumed the chair.

- HB 183 Senator L. Grosfield moved HB 183 be concurred in. Motion carried unanimously.
- HB 269 Senator M. Halligan moved HB 269 be concurred in. Motion carried unanimously.
- **HB 458** Senator B. McCarthy moved HB 458 be concurred in. Motion carried unanimously.
- HB 482 Senator C. Christiaens moved HB 482 be concurred in. Motion carried with Senator Shea voting nay.

### Senators Cole and Jabs excused at this time.

- **HB 527** Senator C. Christiaens moved HB 527 be concurred in. Motion carried unanimously.
- HB 596 Senator F. Thomas moved consideration of HB 596 be passed for the day. Motion carried unanimously.
- **HB** 617 Senator K. Miller moved HB 617 be concurred in. Motion carried unanimously.
- SJR 18 Senator B. McCarthy moved SJR 18 be adopted. Motion carried unanimously.
- HB 321 Senator J. Hertel moved HB 321, second reading copy, be amended as follows:
- 1. Title, line 9.

Following: "PROVIDING"

Insert: "AN"
Strike: "DATES"
Insert: "DATE"

2. Page 3, lines 20 through 25.

Strike: "dates" on line 20

Insert: "date"

Following: "." on line 20

**Strike:** remainder of line 20 through "]" on line 25

**Insert:** "[This act] is effective July 1, 1999"

3. Page 3, lines 27 through 30. **Strike:** section 6 in its entirety

# Amendment adopted unanimously.

HB 321 - Senator V. Cocchiarella HB 321, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Hargrove, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum, McCarthy, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson.

Total 28

Nays: Beck, Bishop, Bohlinger, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Harp, Keenan, McNutt, Miller, Mohl, Swysgood, Toews, Wells, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Keating moved the Committee of the Whole report be adopted. Report adopted.

## THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

## SB 54, Conference Committee Report No. 1, adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President. Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

## SB 370 passed as follows:

Yeas: Bartlett, Beck, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Harp, Hertel, Holden, Jabs, Jergeson, Mahlum, Miller, Mohl, Roush, Sprague, Stang, Taylor, Waterman, Mr. President.

Total 28

Nays: Berry, Bishop, Cole, Crismore, Devlin, Ekegren, Ellis, Hargrove, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Nelson, Shea, Swysgood, Tester, Thomas, Toews, Wells, Wilson.
Total 22

Paired: Grimes, Jabs, Taylor, Ayes; Cole, Ellis, Thomas, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

## SB 424 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 45

Nays: Mohl, Swysgood.

Total 2

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

### SB 530 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 42

Nays: Ellingson, Jergeson, Nelson, Tester, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

#### **HB 8** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President. Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

## HB 54, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 46

Nays: Toews.

Total 1

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

### HB 57, as amended by the Senate, concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Wells.

Total 40

Nays: Bartlett, Devlin, Jabs, Swysgood, Toews, Waterman, Wilson, Mr. President.

Total 8

Paired: Christiaens, Aye; Jabs, No.

Absent or not voting: None.

Total 0

Excused: Cole, Taylor.

Total 2

#### HB 59, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 46

Nays: Christiaens.

Total 1

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

#### HB 185 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 44

Nays: Devlin, Mohl, Swysgood.

Total 3

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

## HB 255, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Tester, Thomas, Toews, Waterman, Wells, Mr. President.

Nays: Devlin, Mahlum, Stang, Swysgood, Wilson.

Total 5

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

#### HB 339, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President. Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

### HB 361 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President. Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

### HB 437 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 45

Nays: Devlin, Swysgood.

Total 2

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

## HB 455 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President. Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

## HB 459, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson.

Total 46

Nays: Mr. President.

Total 1

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

### HB 506, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: Ellis, Hertel, Holden, Nelson, Toews, Waterman.

Total 6

Paired: Cole, Taylor, Ayes; Nelson, Toews, Noes.

Absent or not voting: None.

Total 0

Excused: Jabs.

Total 1

# HB 560, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 41

Nays: Devlin, Glaser, Miller, Stang, Swysgood, Toews.

Total 6

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

## HB 566, as amended by the Senate, concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Wells, Wilson, Mr. President.

Total 42

Nays: Bartlett, Christiaens, Cocchiarella, Mahlum, Waterman.

Total 5

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

# HB 590, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 45

Nays: Glaser, Toews.

Total 2

Absent or not voting: None.

Total 0

Excused: Cole, Jabs, Taylor.

Total 3

#### **HJR 32 failed** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Harp, Holden, Jabs, Keating, Lynch, Mahlum, McNutt, Mesaros, Sprague, Taylor, Thomas, Wells, Mr. President. Total 24

Nays: Bartlett, Christiaens, Cocchiarella, Devlin, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Hargrove, Hertel, Jergeson, Keenan, McCarthy, Miller, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Tester, Toews, Waterman, Wilson.

Total 26

Paired: Cole, Jabs, Taylor, Ayes; Christiaens, Eck, Nelson, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 11:00 a.m., Tuesday, March 30, 1999. Motion carried.

Senate adjourned at 3:26 p.m.

ROSANA SKELTON Secretary of Senate BRUCE CRIPPEN President of the Senate